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COMMITTEE ON THE RIGHTS OF THE CHILD

Twenty-second session

SUMMARY RECORD OF THE 564th MEETING

Held at the Palais des Nations, Geneva,
on Thursday, 23 September 1999, at 10 a.m.

Chairperson: Mrs. MBOI

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Second periodic report of the Russian Federation

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The meeting was called to order at 10.05 a.m.

CONSIDERATION OF REPORTS OF STATES PARTIES (agenda item 4) (continued)

Second periodic report of the Russian Federation [CRC/C/65/Add.5; HRI/CORE/1/Add.52/Rev.1; CRC/C/Q/RUS/2; written replies of the Russian Federation to questions raised in the list of issues (document with no symbol, distributed in the meeting room, in English only)]

1. At the invitation of the Chairperson, Mrs. Karelova, Mr. Antonov, Mr. Boychenko, Mrs. Chepurnykh and Mrs. Smirnova (Russian Federation) took places at the Committee table.

2. The CHAIRPERSON welcomed the delegation and invited it to present the second periodic report of the Russian Federation (CRC/C/65/Add.5).

3. Mrs. KARELOVA (Russian Federation) said that her country's action on behalf of children was founded on the provisions contained in the Convention, including the principles of non-discrimination, best interests of the child, and the child's right to life and development. The progress of democracy and the transition to a market economy had called for a new approach, which was reflected in the elaboration of laws and in the creation of specialized child-care institutions and mechanisms. There had been significant developments in the factors governing child policies and social policy in general since the presentation of the country's initial report. Under the 1993 Constitution, the Government and local authorities had been given joint responsibility for protection of the family, women and children, social security, public health and cultural development. The principles of federalism should make for better defence of the rights and interests of the child according to the situation prevailing in each region, through the adoption of regional laws and programmes. At the national level, the authorities had adopted a medium-term strategy for improving the status of children by the year 2000, backed up by a plan of action in favour of children and a presidential decree. A federal law on fundamental guarantees of children's rights had been enacted in 1998, confirming the priority accorded to activities on behalf of children in public policy.

4. The child's right to life was given top priority. Measures already taken had succeeded in reducing neonatal mortality and mortality among children aged under five. In addition, there had been an increase in the number of children inoculated against diphtheria, poliomyelitis, viral hepatitis and tuberculosis. It was estimated that 95 per cent of young children were covered by prophylactic measures. Moreover, a risk-free motherhood and family planning programme started a few years earlier had succeeded in reducing the number of abortions, especially among young girls, and in alerting young people to the need for risk-free sexual relations and contraception. Given the problems encountered in that field, the authorities had been considering prevention and awareness-raising campaigns. Preventive treatment for handicapped children had been used to combat certain diseases and to diagnose them at a very early age.

5. New mechanisms in place since 1993 had served to establish a network of institutions for assistance to needy families, orphans and disabled children. Strenuous efforts had been made to train staff, finalize methodology, establish a legal and normative framework, and mobilize the necessary resources. In six years, more than 2,000 care, accommodation and rehabilitation centres had been created, as well as telephone helplines.

6. Recalling the importance assigned by the Convention to family environment as an essential requirement of child development, she said that there had been 620,000 orphan children or children left without parental care in the Russian Federation at 1 January 1999. One quarter of them had been placed in institutions and the rest in families, either through adoption or on a guardianship basis. Given that sorry state of affairs, attempts were being made to discover new forms of family placement and to set up homes that met the needs of orphans and offered them better living conditions. The adoption of the Family Code in 1996 had been particularly important. It established the educational facilities available to children deprived of parental care, as well as the methods to be applied for their placement. New types of institution had emerged and significant progress had been made in certain regions, although it was still difficult to solve all problems in short order. Both Parliament and the President also assigned special attention to the problem of abandoned teenagers. Street children lived in conditions prejudicial to their health and the development of their personality, which exposed them to acts of violence and economic and sexual exploitation. Accordingly, measures had been taken recently to combat that social scourge and enable those teenagers to resume a normal life. What was needed was to move on from repression to welfare and protection measures. Some 700 specialized institutions had been created in order to rehabilitate street children or render them emergency assistance.

7. Another very difficult situation was that of disabled children. Society had become more aware of the problem in recent years and parents had been able to join forces to help each other and defend their children's rights. Currently, 29,000 disabled children (5 per cent of the total) still lived in special boarding establishments, at the request of their parents or legal guardians. Despite measures taken to improve their lives in those institutions and promote their integration, the provisions of the Convention were not fully respected. The authorities themselves recognized the need for reform of the system, starting with its legislative base and the institutions themselves and including the introduction of reintegration methods and specialist training. A federal bill on social protection of the disabled was due to be finalized in 1999.

8. The situation of minors placed in educational establishments following court decisions was no more satisfactory. Monitoring by local authorities and those in charge had been facilitated, with more opportunities to meet young people and obtain access to files, and efforts had been made to improve the transparency of establishments. In 1997, the Federal Government had also promulgated a decree on the juvenile offenders' guardianship system. With the reorganization of the penal system until 2005, a set of measures would be introduced relating to the enforcement of sentences passed on minors, with due regard to international standards in the field.

9. Russian legislation contained provisions concerning protection of children against economic exploitation. Those provisions had been respected until the outbreak of the crisis, but the growing poverty of families, due mainly to the parents' unemployment, increasingly obliged children to work. The Russian Federation welcomed ILO's adoption of the proposed convention on the prohibition and immediate elimination of the worst forms of child labour.

10. Sexual relations with minors under 14 was an offence under the Criminal Code. Sanctions envisaged against prostitution involved the possibility of divesting parents of their rights. Preventive measures were also taken to combat sexual exploitation of children, especially for pornographic purposes. Thanks to international agreements, the Russian Office of INTERPOL had recently started receiving information on Russian minors working as prostitutes, disseminated abroad on the Internet.

11. The Russian Federation had done a great deal to strengthen child rights protection mechanisms under the Constitution. It had adopted the Family Code, the Criminal Code, the Code of Criminal Procedure and other laws cited in the report, all of which were basic instruments. Another important aspect of child protection was the very procedure for adopting legislation, which entailed parliamentary hearings and involved the participation of NGOs and civil society, thereby guaranteeing considerable transparency. Since the 1998 crisis, the Government had been paying greater attention to the needs of the most indigent children and to the funding of programmes on their behalf. A case in point was the "Children of Russia" programme, which covered 12 fields. An intergovernmental committee was responsible for coordinating the work of implementing the Convention and the Declaration of the World Summit for Children. In 1999, it had studied the important questions of child labour, the establishment of independent monitoring mechanisms, and the fight against drug addiction among children and adolescents.

12. Also of importance were the legal organs responsible for monitoring implementation of legislation, as well as the organizations that assisted in such monitoring. The Russian Federation was aware of the need for independent monitoring mechanisms in order to guarantee respect for children's rights. A pilot monitoring project had been set up in 1998, in collaboration with UNICEF and with public support in five regions. At the international level, a report on the status of children had been published as far back as 1994, and its appearance had encouraged the preparation of regional reports.

13. The question of the rights of the child had been the subject of increasing attention in the Russian Federation in recent years. The preparation of the report on the implementation of the Convention, and its dissemination to governmental agencies and NGOs had greatly contributed to that development. The Government was aware of the need to combine the efforts of all the components of civil society and to foster cooperation with child rights organisms and structures. In that regard, it hoped that the fruitful cooperation instituted in recent years with the international organizations would continue. Recognizing the inevitable shortcomings of the report and the existence of serious problems as yet unresolved, she admitted that it would take time to overcome those problems, but stressed her Government's commitment to protecting the interests of the child as best it could.

14. The CHAIRPERSON thanked Mrs. Karelova for her detailed and frank statement and invited Committee members to put questions to the Russian delegation.

15. Mrs. KARP, noting that scrutiny of the legislation in the light of the provisions of the Convention had not yet been completed, asked what bills were pending and what timetable was envisaged for their adoption. She would like to know what obstacles lay in the way of the harmonization process. Concerning the latest piece of legislation, the Federal Law on the Fundamental Principles of Prevention of Juvenile Crime, she asked on what concepts it was based and what mechanisms had been established for its implementation.

16. She also wished to know what role the Coordination Committee played and whether its decisions had prompted any changes. A centre which would be responsible for coordination and supervision appeared to be lacking in the federal system. Were there any plans to create a federal mediation body that could serve as an independent observer?

17. In view of the fact that implementation of the National Action Plan for Children, adopted by Presidential Decree, depended on the social and economic situation; that so far only some programmes under that Plan had been funded, and that a number of benefits were still unpaid, she asked what steps had been taken to remedy those problems.

18. She wished to know whether parliamentary debates on the annual reports had brought about any changes and whether anything had been done to offset the budgetary differences between regional and federal programmes.

19. Mrs. SARDENBERG highlighted two merits of the report: its wealth of information and its frankness, but regretted certain deficiencies in analytical thinking and self-criticism, as well as some vagueness regarding the place of children's rights in the Government's programmes of activities.

20. She asked whether the Ministry of Labour and Social Development and the other ministries had cooperated solely for the joint drafting of the report, or whether they did so on a permanent basis. Likewise, how did coordination between the Federal Government and the regions operate? Was civil society invited to participate in the drafting of reports, to ensure that the task, which was always in danger of remaining a purely bureaucratic exercise, should be connected to real facts?

21. The Committee had recognized in its 1993 concluding observations (CRC/C/15/Add.4) that it was not in a position to assess the impact that the new legislative measures might have on the situation of children, and it expressed the fear that Russian society was not sufficiently sensitive to the needs and situation of children belonging to particularly vulnerable and disadvantaged groups. She asked whether, six years later, society's attitude had changed with regard to the rights of all children in the Russian Federation.

22. She also wanted to know whether the Office of the Commissioner for Human Rights had exercised its right to propose bills concerning the juvenile justice system, or whether it had taken any initiative concerning the rights of the child.

23. Mr. DOEK welcomed the large number of ambitious projects indicated in the report and the frankness with which the Russian Federation's many problems were described therein.

24. With regard to the general measures of implementation, he would like to be informed of the State party's choice of priorities, since its economic situation did not allow it to implement all measures simultaneously. He asked whether the Government had considered appealing, or had appealed, to the World Bank or the IMF for financing for its social assistance programmes. If not, he strongly encouraged it to do so. One argument that could be adduced was that, since the high proportion of the population was under 18 years, it was children who suffered most from the consequences of the economic crisis. A share of funds mobilized should be assigned to child assistance programmes.

25. Where NGOs' contributions to the implementation of the Convention were concerned, he would like to know whether the members of the two interdepartmental bodies mentioned in the written replies received financial support from the Government.

26. Mr. RABAH asked whether NGOs had contributed to the preparation of the report of the State party and, if so, in which particular field. He wished to know whether there were any training programmes for persons working in the field of child rights protection, such as police officers, magistrates and social workers.

27. Regarding dissemination of the Convention, he asked whether it had been translated into several languages and what means were used for publicizing it, especially in rural areas. For instance, would a primary schoolteacher be able to describe the most important principles of the Convention, or what he or she understood by the best interests of the child? In that regard, were there any court decisions on family disputes or cases of young offenders that would show the Committee how the Convention was being implemented in the State party?

28. Mrs. TIGERSTEDT-TÄHTELÄ said she understood that not only the Duma but even the regions and towns were empowered to promulgate laws, subject to the Duma adopting framework legislation. How did the different legislative aspects combine in practice?

29. She also wished to know whether the budget required for enforcing a law was taken into account when it was submitted to the Duma. It was useful to assess needs beforehand, since once it had been passed a law had to be enforced.

30. On the subject of decentralization, she asked how tasks were divided between the central Government and local governments, which had a great many powers, including that of deciding their fiscal policy and the credits allocated for child protection. Did those governments avail themselves of their right to seek funds from the central Government, by informing it of their needs ahead of the financial year?

31. Lastly, she wished to know how the social security system was financed in the Russian Federation.

32. Mrs. KARELOVA (Russian Federation) shared the Committee members' view that the development of legislation was a complex process, especially in a country like Russia, which was going through a period of deep-seated reforms. A series of bills concerning fields such as juvenile criminal law, drug addiction, education and protection of the disabled, was to be adopted as a matter of priority by the year 2000, and she was pleased to say that the bills had already been finalized and had gone through their first reading.

33. As the Committee had rightly pointed out, Russia's financial problems were a major obstacle when it came to enforcing the laws, whence the need to establish a strict hierarchy of priorities. Social spending would be the first to be increased (to 35 per cent more than for the 1999 financial year), as well as the credits allocated to children's programmes, including the "Children of Russia" programme and the programme on prevention of juvenile homelessness. She was confident that the budget increases for the year 2000 would be accepted by the Duma.

34. The Act on the prevention of juvenile homelessness and juvenile crime which had recently come into force represented a crucial change. Whereas those problems had previously been addressed by the repressive forces of society (police and judges), they were in future to be dealt with by social protection bodies. Moreover, the Act clearly defined the tasks of the various administrative services and the way they had to be coordinated.

35. In response to a question on social service funding, she said a programme such as the "Children of Russia" was adequately financed, but it was the financing of investment-based projects, such as school or hospital construction, that posed a serious problem, since loans totalled a mere 10 per cent of the funds required.

36. Given the scant resources available, family allowances went first to families with children living below the poverty line. However, since certain regions were indebted, those allowances had still not been paid. It was therefore true to say that 70 per cent of children did not receive allowances, although that proportion would drop to 30 per cent once the arrears had been paid.

37. In response to questions put by several Committee members on the Interdepartmental Commission on Juvenile Affairs, she said it comprised representatives of all the ministries involved in children's rights, including the Ministries of Labour, Health, Education, the Interior and Finance, as well as regional representatives. The Interdepartmental Commission dealt with federal and regional issues. The education, health and social security budget was 90 per cent funded by regional governments and 10 per cent by the Federal Government.

38. The problem of street children was one that called for close monitoring; a data bank had been set up on the basis of information furnished in the documents that needy families were required to submit in order to receive a benefit. Those data were used to assess the families' standard of living and the situation of the children.

39. She explained that the annual reports on the status of children were studied and discussed at hearings of Parliament or the relevant parliamentary committees. The regions had recently been invited to send representatives to a parliamentary hearing on the status of children; unfortunately, many had been prevented from attending for lack of funds. The annual reports were drawn up with NGO participation. For example, the partnership agreement concluded between some 30 NGOs dealing with disabled children and the Ministry of Labour and Social Development provided for NGO participation in the preparation of annual reports and bills on the rights of disabled children.

40. There was a federal commissioner for human rights and, currently, a commissioner in each of five regions, under a pilot project supported by the Ministry of Labour and Social Development and UNICEF. The commissioners' activity had already yielded outstanding results. Regarding the shared responsibilities of the federal and regional authorities with regard to financing child-related programmes, it was worth noting that approximately 90 per cent of that funding was provided by the regions. There was a federal social assistance fund for children, which provided support to the most disadvantaged regions. Child protection policies were coordinated by the Ministry of Labour and Social Development and by various bodies, such as the Interdepartmental Commission on Juvenile Affairs or the Commission on Minors, which had a federal body as well as regional bodies. A bill was under study to review the statutes of the latter commission, currently governed by a 1967 Act. The coordination mechanisms also included councils of experts, composed of specialists, deputies and NGO representatives, dealing with specific projects. The NGOs were actively involved in project implementation and, in recent years, some 20 associations had signed partnership agreements with the authorities. The initial results of the partnership scheme were highly positive.

41. Regarding the attitude of society and the authorities to the most vulnerable children, while a great deal certainly remained to be done, legislation had been passed on the protection of children's rights, covering those of the most vulnerable children. The "Children of Russia" programme and its various target programmes showed that the Russian State gave priority to the fate of children living in very difficult circumstances. More specifically, the Russian Government's current priorities were accorded to abandoned and homeless children, orphans, young drug addicts and disabled children, which did not mean that other categories of needy children were ignored.

42. It would be fair and fitting for the international lending institutions to provide Russia with more funds to help it, inter alia, improve the situation of children. The World Bank was already financing various medical and educational programmes. The Committee could perhaps recommend to those institutions, especially the World Bank, that it provide priority assistance to child-related programmes.

43. Mrs. CHEPURNYKH (Russian Federation) said the Convention on the Rights of the Child had been translated and introduced in educational establishments, including in the context of civic education, at the same time as the other human rights conventions. NGOs contributed greatly to dissemination of human rights in general and the rights of the child in particular. The content of

the Convention was also included in the syllabuses of higher or vocational training for students preparing to be lawyers, psychologists, social workers or secondary schoolteachers. With regard to NGO participation, it was important to mention that in 1995, the State Duma had passed a law on child-assistance organizations, which provided for NGO participation at various levels and the possibility of concluding partnership agreements with the administration. Lastly, under the Constitution, the right to initiate legislation rested with the Duma and the Government.

44. Mrs. KARELOVA (Russian Federation), referring to the division of legislative powers between federal and regional governments, explained that the Federation generally passed framework laws, while the regions passed more specific legislation suited to their needs and their financial resources. By and large, according to the Duma's rules of procedure, bills with financial implications had to be funded and incorporated in the budget. That being so, the Duma did sometimes pass laws not proposed on the Government's initiative and therefore not covered by a budgetary allocation. In that case, enactment of the law needed to be deferred to the following budget. As a general rule, however, and increasingly so, implementation of legislation was provided for in the budget, and the Government and Duma acted in concert. Furthermore, the region might adopt legislation ahead of the budget, which would later be taken up by the Federal Government.

45. Certain problems did arise with regard to the breakdown of social spending and regional funding of federal programmes. Many regions were in arrears, not having, for example, paid their family benefits for months. The Federation intervened through the regional aid fund and financial transfer mechanisms, but the regions did not always give priority in their fund allocation to assistance to the children or categories of children for whom the funds were intended. Both deputies and NGOs had suggested the need for closer alignment between federal plans and financing on the one hand and implementation in the regions on the other.

46. Turning to judicial practice, she said the authorities were studying the possibility of constitutional monitoring of respect for the rights of the child and were seeking ways to ensure that those rights were effectively protected. So far, four court decisions had found violations in orphanages or boarding institutions.

47. Mrs. CHEPURNYKH (Russian Federation) said that there were two important federal laws regulating decentralization: one relating to the division of powers between the federal authorities and the regions, and the other governing autonomous local communities. Those laws determined which territorial authority was responsible for financing a given field or programme. Generally speaking, higher education and basic education were federal responsibilities, while most other spending was done by the regions, communes or villages. The Federal Ministry monitored law enforcement in the regions, while the Office of the Public Prosecutor was also empowered to monitor enforcement of federal laws.

48. Mrs. KARELOVA (Russian Federation) added that the financing of social protection was essentially a matter for regional and local bodies.

49. The CHAIRPERSON requested more information about the partnership agreements between NGOs and administrations, and on the training of persons dealing with children.

50. Mrs. KARELOVA (Russian Federation) said that the mechanism of partnership agreements between NGOs and the administration was highly effective, considering that some 20 NGOs had signed such agreements, and that it was hoped that the practice would be continued not on an ad hoc basis, but systematically. Also, children's rights were included in training courses for persons intending to work with children, and specialized training was also provided, for example, on juvenile justice, for prospective police inspectors and social workers.

51. The CHAIRPERSON invited Committee members to put questions on the three subsequent clusters on the list of issues: definition of the child, general principles, and civil rights and freedoms.

52. Mr. DOEK, having noted the exceedingly high child suicide rate, wished to know what the Government was doing to address that problem. With reference to article 37 (a) of the Convention, the Committee had received disturbing allegations that children were ill-treated, and even subjected to degrading treatment and torture, in child-care homes and institutions. Physically and mentally handicapped children were reported to receive the worse treatment. It also appeared that children were often diagnosed as mentally ill after a cursory examination, and were subsequently neglected and starved. If those allegations were true, they constituted a violation of article 37 (a) and other articles of the Convention. Did the Russian Government acknowledge those facts? If so, what measures were planned or being implemented to remedy the situation?

53. Mrs. KARP asked whether the new family allowance system for the most vulnerable groups of society might not create a new category of poor people. It would perhaps be useful to consider reallocating part of the credits to children instead of adding new budget lines. Given the complex division of powers between the Federation and the regions, she asked whether measures were being taken at the federal level to avoid de facto discrimination against certain children as a result of limited budgets for particular regions. A post of federal ombudsman should be created to monitor respect for the rights of the child throughout the country.

54. On the subject of disabled children, she hoped that the Government would take the necessary measures to put family assistance structures in place. Was there an independent organ responsible for investigating complaints filed against the security forces? As a general rule, it would be interesting to know whether mechanisms were available to consider the numerous allegations of acts of torture and ill-treatment inflicted on children, and to follow up the recommendations of the Committee Against Torture. Concerned at the fact that the "Family Planning" programme did not possess sufficient resources, she wished to know whether teenagers were informed about sexually transmitted diseases, whether specialized clinics existed in Russia in that area, and whether teenagers had access to them.

55. Mrs. EL GUINDI asked whether specific measures were envisaged for protecting ethnic minorities and other vulnerable groups against all forms of discrimination and for assisting low-income families, especially in rural areas.

56. Mrs. SARDENBERG urged the Russian delegation to consider the principles and provisions of the Convention as a tool that better reflected and assessed the real situation of children prevailing in the country. She would like to know whether the many allegations of violations of the rights of children from disadvantaged groups (such as poor children, orphans, street children and children in provisional detention centres) were publicly debated in the Russian Federation. She was particularly concerned at the numerous allegations of mistreatment of young girls in rural areas (in terms of access to education and sexual violence). She asked whether the proposal to set up a working group on issues relating to temporary detention in liaison with the Ministry of the Interior and the judicial system, made following the visit of Mrs. Mary Robinson, the High Commissioner for Human Rights, to the Saratov pilot institution, had been implemented.

57. Mrs. OUEDRAOGO asked whether, given the large number of disabled children in the Russian Federation, a study had been undertaken to determine the origin of the disabilities and whether medical action was being taken to prevent such cases. She would also like to know whether anything was being done to change parents' negative attitude to their disabled children.

58. Mr. RABAH called for clarification of the freedom of expression enjoyed by children before the courts or government agencies, in the event of a dispute with their parents. Was there a complaint mechanism for cases of corporal punishment in schools? Lastly, he would be grateful for more facts about the situation of children in Chechnya.

59. Mrs. TIGERSTEDT-TÄHTELÄ asked whether children's establishments were funded from the federal budget or regional budgets.

60. Mr. DOEK asked whether the Office of the Procurator had carried out any checks in addition to the 485 conducted in young offenders' establishments. What measures had been taken with regard to those youngsters, both within the establishments themselves and with a view to their social reintegration once they were released?

61. The meeting was suspended at 12.35 p.m. and resumed at 12.45 p.m.

62. Mrs. KARELOVA (Russian Federation) said that the question of child and teenage suicide was extremely serious and could not be answered in a few words. Studies had been undertaken to determine the reasons for suicidal leanings in children. Among the main causes of suicide were a decline in the standard of living, family disputes, problems at school and changing moral standards in society as a whole. Of suicides among children and teenagers, 92 per cent were directly linked to their family situation (alcohol, drug abuse, unemployment or refugee status). The Russian authorities recognized the magnitude of the problem and was according it special atten ion. Twenty thousand psychologist posts had been created in schools. Medical and social services were available to children and families who found themselves in

difficult situations, and it was planned to reinforce those services in order at least to stop the number of suicides increasing. Turning to the question of diagnosing of disabilities in children, she said that steps had been taken in 1996 to screen disabilities from the age of six months. It was true that those diagnoses were rarely reviewed, since the condition of children placed in specialized establishments was usually serious. There were insufficient specialized boarding facilities, even though, following the Committee's observations in 1993, the Russian Government had prepared a programme to train skilled personnel to care for those children with the right equipment and to ensure their subsequent reintegration into society.

63. Mrs. CHEPURNYKH (Russian Federation) explained that there were commissions specially assigned to studying the psychological problems of disabled children. A centre had been set up in August 1999 for that purpose, with the task of corroborating or refuting diagnoses. The "Orphan Children" programme had access to a federal database on all children in need of care.

64. Mrs. KARELOVA (Russian Federation) recognized the existence of mistreated children, but regretted that information on their cases tended to be published in Western tabloids but unfortunately was rarely transmitted to the Russian authorities. The Russian Government was making every effort to establish effective cooperation with NGOs, so as to ensure objective and professional monitoring of the situation of children who were victims of acts of violence.

The meeting rose at 1 p.m.